

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANNY D. HESTDALEN,

Plaintiff,

vs.

CORIZON CORRECTIONS
HEALTHCARE, et al.,

Defendants.

Case No. 2:18-cv-00039-JAR

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Danny D. Hestdalen's Motion for Leave to Attach Affidavit. (Doc. 228.) He asserts that, while reading Defendants' briefing in support of their motion to dismiss, he discovered that he had inadvertently failed to include exhibits from his original complaint when he filed his most recent amended complaint. (*Id.* at 1-2.) He seeks leave to attach those documents now. (*Id.* at 1-6.)

MDOC Defendants oppose the motion, arguing that it is untimely and would upend their fully briefed motion to dismiss. (Doc. 236.) They argue that Plaintiff had ample time to supplement his complaint and that his late attempt to do so now is prejudicial. (*Id.*) Nonetheless, they argue that allowing Plaintiff to attach the documents fails to salvage his complaint because it is still subject to the same arguments they made in their motion to dismiss. (*Id.* at 236.)


The Court concludes that MDOC Defendants would not be prejudiced by granting Plaintiff's motion because the documents are not new and because MDOC Defendants assert that the additional documents do not necessitate additional argument in support of their motion to dismiss. In other words, the Court concludes that it can consider the additional attachments

without additional briefing on the motion to dismiss. As such, the Court will grant the motion for leave.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Danny D. Hestdalen's Motion for Leave to Attach Affidavit (Doc. 228), is **GRANTED**.

Dated this 3rd day of August, 2020.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE